

Justice System Appropriations Bill Senate File 475

Last Action:

Senate Floor

April 9, 2009

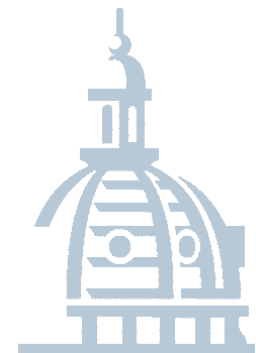
An Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

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EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

SENATE FILE 475 JUSTICE SYSTEM APPROPRIATIONS BILL

FUNDING SUMMARY

MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING PROGRAMS

- Appropriates a total of \$515.4 million from the General Fund and 1,911.0 FTE positions to the Departments of Justice, Corrections, Inspections and Appeals, Public Defense, Public Safety, the Iowa Law Enforcement Academy, Board of Parole, and the Civil Rights Commission. This is a decrease of \$18.4 million and an increase of 10.9 FTE positions compared to the estimated net FY 2009 General Fund appropriations. The Department of Corrections has 4,504.2 FTE positions that are not limited in this Bill. The FTE positions are included in the State budget system.
- Makes the following significant General Fund changes for FY 2010:
 - **Department of Justice:**
 - **Office of the Attorney General:** A decrease of \$768,000 for a general reduction. (Page 1, Line 7)
 - **Victim Assistance Grants:** An increase of \$2.3 million to provide the minimum match requirements for federal funds. (Page 1, Line 21)
 - **Farm Mediation Program:** A decrease of \$289,000 to eliminate the General Fund appropriation.
 - **Office of the Consumer Advocate:** A decrease of \$219,000 for a general reduction. (Page 2, Line 31)
 - **Department of Corrections (DOC):** A decrease of \$10.8 million compared to the estimated net FY 2009 General Fund appropriation. The change includes:
 - A decrease of \$3.3 million to eliminate funds for the operating budget at Farm Three at Fort Madison. (Page 3, Line 16)
 - A decrease of \$966,000 to eliminate funds for the Violator Program at the Newton and Mitchellville prisons and the Violator Aftercare Programs in the First, Third, Sixth, Seventh, and Eighth Community-Based Corrections (CBC) District Departments. (Page 4, Line 11; Page 4, Line 32; Page 9, Line 23; Page 9, Line 34; and Page 10, Lines 18 through 26)
 - A decrease of \$2.0 million to eliminate funds for the operating budget for the Clarinda Lodge. (Page 4, Line 23)
 - A decrease of \$107,000 to the County Confinement Account. (Page 5, Line 5)
 - A decrease of \$238,000 to the DOC Central Office. (Page 5, Line 22)
 - A decrease of \$1.0 million to eliminate funds for a supervisor in each of the CBC District Departments. (Page 9, Line 23 through Page 10, Line 26)
 - A decrease of \$400,000 to the mental health residential facility in Cedar Rapids. Approximately \$900,000 remains in the appropriation to operate the 26-bed facility. (Page 10, Line 18)
 - A decrease of \$50,000 to eliminate funds for a youth intervention program in the Sixth CBC District Department. (Page 10, Line 18)

EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

SENATE FILE 475 JUSTICE SYSTEM APPROPRIATIONS BILL

MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING PROGRAMS (CONTINUED)

- A decrease of \$2.7 million for a general reduction to all appropriations to the DOC. (Page 3, Line 16 through Page 10, Line 26)
- **State Public Defender:** A decrease of \$6.5 million for a general reduction. (Page 13, Line 13 through Page 13, Line 21)
- **Iowa Law Enforcement Academy (ILEA):** A decrease of \$109,000 for a general reduction. (Page 13, Line 22)
- **Department of Public Safety:** A decrease of \$1.6 million, including:
 - A decrease of \$79,000 for a general reduction to Public Safety Administration. (Page 16, Line 3)
 - A decrease of \$381,000 for a general reduction to the Division of Criminal Investigation (DCI). (Page 16, Line 8)
 - A decrease of \$115,000 for a general reduction to the Division of Narcotics Enforcement. (Page 17, Line 16)
 - A decrease of \$72,000 for a general reduction to the Fire Marshal's Office. (Page 17, Line 29)
 - A decrease of \$903,000 for a general reduction to the Iowa State Patrol. (Page 18, Line 5)

STUDIES AND INTENT LANGUAGE

- Requires the Office of the Attorney General to cooperate with the Auditor of State in preparing a report detailing the appropriation of money that is currently reimbursed to the Office of the Attorney General. Requires the Auditor of State to file a report with the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the Legislative Services Agency (LSA) by December 15, 2009. (Page 2, Line 23)
- Requires the DOC to use the John Bennett Facility at Fort Madison as either a prison facility or a CBC facility. (Page 3, Line 20)
- Requires the DOC to operate the Luster Heights Prison Camp at its 88-bed capacity. (Page 3, Line 28)
- Requires the DOC to spend at least \$238,000 on the therapeutic treatment community program at the Anamosa State Penitentiary and \$140,000 on the Dual Diagnosis Program in the First CBC District Department. (Page 3, Line 31 and Page 9, Line 26)
- Requires the DOC to use at least \$300,000 in canteen receipts for the Corrections Education Program. (Page 6, Line 28)
- Eliminates the Chief Security Officer in the DOC Central Office at the end of FY 2011. (Page 8, Line 34)
- Requires the DOC to study the use of paramedics in the prison system and issue a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by January 15, 2010. (Page 9, Line 2)

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 475
JUSTICE SYSTEM APPROPRIATIONS BILL**

**STUDIES AND INTENT LANGUAGE
(CONTINUED)**

- Requires the DOC to implement a centralized pharmacy during FY 2010 and issue a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by September 1, 2010. (Page 9, Line 8)
- Requires the Fifth CBC District Department to re-instate and use 67 beds at Building 65/66 at the Fort Des Moines Residential Facility, and maintain and use 199 beds at Building 68/70. (Page 10, Line 9)
- Permits the Iowa Law Enforcement Academy to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 14, Line 2)
- Permits the Iowa Law Enforcement Academy to annually exchange five vehicles returned to the State Fleet Administrator by the Department of Public Safety. (Page 14, Line 8)
- Adds language requiring the Homeland Security and Emergency Management Division to work in conjunction with the Department of Public Safety on the Fusion Program. (Page 15, Line 26)
- Permits the Military Division of the Department of Public Defense to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 15, Line 8)
- Permits the Homeland Security and Emergency Management Division to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 15, Line 20)
- Authorizes an appropriation of no more than \$200,000 from the Wireless E911 Emergency Communications Fund for FY 2010 to be used for administration of the Fund and to employ the State Auditor to perform an annual audit on the Fund. (Page 19, Line 30)
- Requires the Department of Administrative Services (DAS) and the agencies that receive an appropriation in this Bill to pursue a goal of 14 employees per supervisor by December 31, 2009. (Page 20, Line 32)

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA**

- Permits the Iowa Law Enforcement Academy to charge Academy attendees more than half the cost of providing the basic training course, subject to Council approval. This change is repealed on June 30, 2010. (Page 20, Line 6)
- Increases the expenditure cap on the Consumer Education and Litigation Fund by \$800,000 for the period FY 2009 through FY 2011. Permits moneys in the Fund to be used to cash flow the Victim Compensation Fund. This Section is repealed at the end of FY 2011. (Page 20, Line 20)
- Permits the Office of the State Public Defender to contract with private attorneys for a set rate. (Page 21, Line 2 through Page 21, Line 28)

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 475
JUSTICE SYSTEM APPROPRIATIONS BILL**

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA**

**RETROACTIVE AND EFFECTIVE
DATES**

- Eliminates certified mail requirements under certain conditions, permits certain documents to be filed electronically with the Civil Rights Commission, and permits one set of documents to be given to the parties. (Page 21, Line 19 through Page 22, Line 29)
- Increases the cap on the use of inmate labor from \$25,000 per project to \$50,000 per project. (Page 22, Line 30)
- Permits the Office of the Attorney General to establish the reimbursement rates for medical care for payments from the Victim Compensation Fund. If a provider accepts the established rate, no further financial claims may be made against the victims. (Page 23, Line 2)
- The Section that increases the expenditure cap on the Consumer Education and Litigation Fund and permits moneys in the Fund to be used to cash flow the Victim Compensation Fund takes effect April 1, 2009, and is effective on enactment. (Page 23, Line 11)
- This Bill is effective July 1, 2009.

Senate File 475 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
7	18	4.1(b)	Nwthstnd	Sec. 8.33	Nonreversion of Appropriation for Inmate Education Program
11	18	6	Nwthstnd	Sec. 8.39	Reallocation of Appropriations within the DOC and CBC District Departments
18	28	14.8	Nwthstnd	Sec. 8.33	Nonreversion of Volunteer Fire Fighter Training Funds
18	33	14.8	Nwthstnd	Sec. 8.39	Reallocation of Department of Public Safety Appropriations
20	6	18	Nwthstnd	Sec. 80B.11B	Law Enforcement Academy Fees
20	20	20	Nwthstnd	Sec. 714.16C	Consumer Education and Litigation Fund
21	2	22	Amends	Sec. 13B.4(2)	State Public Defender - Contracts With Private Attorneys
21	23	23	Amends	Sec. 13B.4(4)(c)(2)(d)	State Public Defender - Contracts With Private Attorneys
21	29	24	Amends	Sec. 216.15(3)	Civil Rights Commission - Certified Mail
22	7	25	Adds	Sec. 216.15(3A)(a), (b), and (c)	Civil Rights Commission - Electronic Filings
22	22	26	Adds	Sec. 216.21	Civil Rights Commission - Documents
22	30	27	Amends	Sec. 904.315	Cap on Inmate Labor
23	2	28	Adds	Sec. 915.86(1)(a) and (b)	Victim Compensation Fund Reimbursements

1 1 Section 1. DEPARTMENT OF JUSTICE.
 1 2 1. There is appropriated from the general fund of the
 1 3 state to the department of justice for the fiscal year
 1 4 beginning July 1, 2009, and ending June 30, 2010, the
 1 5 following amounts, or so much thereof as is necessary, to be
 1 6 used for the purposes designated:

1 7 a. For the general office of attorney general for
 1 8 salaries, support, maintenance, and miscellaneous purposes,
 1 9 including the prosecuting attorneys training program, victim
 1 10 assistance grants, office of drug control policy (ODCP)
 1 11 prosecuting attorney program, and odometer fraud enforcement,
 1 12 and for not more than the following full-time equivalent
 1 13 positions:
 1 14 \$ 8,592,145
 1 15 FTEs 232.50

1 16 It is the intent of the general assembly that as a
 1 17 condition of receiving the appropriation provided in this
 1 18 lettered paragraph, the department of justice shall maintain a
 1 19 record of the estimated time incurred representing each agency
 1 20 or department.

1 21 b. For victim assistance grants:
 1 22 \$ 2,400,000

General Fund appropriation to the Department of Justice for the Office of the Attorney General, Prosecuting Attorney Training Program, Victim Assistance Grants, Office of Drug Control Policy, Office of Drug Control Policy Prosecuting Attorney Training Program, and Odometer Fraud Enforcement.

DETAIL: This is a decrease of \$767,546 and an increase of 6.00 FTE positions compared to the estimated net FY 2009 appropriation. The change includes:

- A general reduction of \$767,546.
- An increase of 6.00 FTE positions to convert county positions to State positions as part of the federal requirements of the Child Support Collections Unit.

Specifies that it is the intent of the General Assembly that the Department of Justice maintain a record of the estimated time incurred to represent each agency or department.

General Fund appropriation to the Department of Justice for the Victim Assistance Grants Program.

DETAIL: This is an increase of \$2,252,250 compared to the estimated net FY 2009 appropriation. This amount meets the minimum match requirements to draw down approximately \$9,600,000 in federal funds. The Crime Victim Assistance Division will receive funds from the U.S. Department of Justice for Victim of Crime Act (VOCA) funds and Violence Against Women Act (VAWA)

	funds, plus Family Violence Prevention and Services Act funds through the U.S. Department of Health and Human Services.
<p>1 23 The funds appropriated in this lettered paragraph shall be 1 24 used to provide grants to care providers providing services to 1 25 crime victims of domestic abuse or to crime victims of rape 1 26 and sexual assault.</p>	Requires Victim Assistance funds to be awarded as grants to providers of services for victims of domestic abuse, rape, and sexual assault.
<p>1 27 The balance of the victim compensation fund established in 1 28 section 915.94 may be used to provide salary and support of 1 29 not more than 22 FTEs and to provide maintenance for the 1 30 victim compensation functions of the department of justice.</p>	<p>Permits 22.00 FTE positions to be funded from the Victim Compensation Fund to administer the victim compensation functions of the Department of Justice.</p> <p>DETAIL: Maintains the current level of FTE positions funded from the Victim Compensation Fund. Of the total FTE positions, 20.00 FTE positions are assigned to the Crime Victim Assistance Division and 2.00 FTE positions are assigned to the Office of the Attorney General, Area Prosecutions Division.</p>
<p>1 31 The department of justice may transfer moneys from the 1 32 victim compensation fund established in section 915.94 to the 1 33 victim assistance grant program.</p>	Permits the Department of Justice to transfer funds from the Victim Compensation Fund to the Victim Assistance Grants Program in FY 2010.
<p>1 34 c. For legal services for persons in poverty grants as 1 35 provided in section 13.34: 2 1 \$ 1,954,634</p>	<p>General Fund appropriation to the Department of Justice for the Legal Services Poverty Grants Program.</p> <p>DETAIL: This is a decrease of \$15,366 compared to the estimated net FY 2009 appropriation for a general reduction.</p>
<p>2 2 2. a. The department of justice, in submitting budget 2 3 estimates for the fiscal year commencing July 1, 2010, 2 4 pursuant to section 8.23, shall include a report of funding 2 5 from sources other than amounts appropriated directly from the 2 6 general fund of the state to the department of justice or to 2 7 the office of consumer advocate. These funding sources shall</p>	Requires the Department of Justice, in submitting FY 2011 budget estimates, to submit a report to the Department of Management (DOM) that specifies the amount of funding from all sources other than the General Fund. The report is to include actual reimbursements from other fund accounts for FY 2009 and FY 2010.

2 8 include but are not limited to reimbursements from other state
2 9 agencies, commissions, boards, or similar entities, and
2 10 reimbursements from special funds or internal accounts within
2 11 the department of justice. The department of justice shall
2 12 also report actual reimbursements for the fiscal year
2 13 commencing July 1, 2008, and actual and expected
2 14 reimbursements for the fiscal year commencing July 1, 2009.

2 15 b. The department of justice shall include the report
2 16 required under paragraph "a", as well as information regarding
2 17 any revisions occurring as a result of reimbursements actually
2 18 received or expected at a later date, in a report to the co=
2 19 chairpersons and ranking members of the joint appropriations
2 20 subcommittee on the justice system and the legislative
2 21 services agency. The department of justice shall submit the
2 22 report on or before January 15, 2010.

2 23 c. The department shall cooperate with the auditor of
2 24 state in preparing a report detailing recommendations for
2 25 reimbursement moneys, including recommendations for
2 26 appropriating such reimbursement moneys. The auditor of state
2 27 shall provide the report to the co=chairpersons and ranking
2 28 members of the joint appropriations subcommittee on the
2 29 justice system, the legislative services agency, and the
2 30 department of management by December 15, 2009.

2 31 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
2 32 appropriated from the general fund of the state to the office
2 33 of consumer advocate of the department of justice for the
2 34 fiscal year beginning July 1, 2009, and ending June 30, 2010,
2 35 the following amount, or so much thereof as is necessary, to
3 1 be used for the purposes designated:
3 2 For salaries, support, maintenance, miscellaneous purposes,
3 3 and for not more than the following full-time equivalent
3 4 positions:

Requires the Department of Justice to submit a report that specifies the amount of funding from all sources other than the General Fund and any revisions that occur as a result of actual reimbursements. The report is to be submitted to the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee and the Legislative Services Agency (LSA) by January 15, 2010.

Requires the Department of Justice to cooperate with the Auditor of State in preparing a report detailing the appropriation of money that is currently reimbursed to the Office of the Attorney General. Requires the Auditor of State to provide the report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee, the Legislative Services Agency (LSA), and the Department of Management (DOM) by December 15, 2009.

General Fund appropriation to the Department of Justice for the Office of the Consumer Advocate.

DETAIL: This is a decrease of \$218,943 and no change in FTE positions compared to the estimated net FY 2009 appropriation for a general reduction.

FISCAL IMPACT: The cost of the Office of the Consumer Advocate's operations is reimbursed from fees charged to the utility industry and are deposited in the General Fund. At the end of the fiscal year, the

3 5 \$ 2,809,606
 3 6 FTEs 27.00

total of all fees will equal the Office's General Fund appropriation. A reduction to the General Fund appropriation reduces the Office's expenses and therefore, the fees charged to the utility industry are reduced. The appropriation reduction in this Bill may will reduce General Fund receipts by \$218,943.

NOTE: Section 475A.6, Code of Iowa, permits the Office of the Consumer Advocate to exceed the appropriation in performance of the Advocate's duties, as long as pre-authorization is provided by the Department of Management. This Section also requires the Office to bill utility companies and deposit those payments in the General Fund.

3 7 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 8 1. There is appropriated from the general fund of the
 3 9 state to the department of corrections for the fiscal year
 3 10 beginning July 1, 2009, and ending June 30, 2010, the
 3 11 following amounts, or so much thereof as is necessary, to be
 3 12 used for the purposes designated:
 3 13 For the operation of adult correctional institutions,
 3 14 reimbursement of counties for certain confinement costs, and
 3 15 federal prison reimbursement, to be allocated as follows:

3 16 a. For the operation of the Fort Madison correctional
 3 17 facility, including salaries, support, maintenance, and
 3 18 miscellaneous purposes:
 3 19 \$ 41,114,692

General Fund appropriation to the DOC for the Iowa State Penitentiary at Fort Madison.

DETAIL: This is a decrease of \$3,623,216 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$3,300,000 to eliminate funds for Farm Three, a 100-bed minimum security unit.
- A decrease of \$323,216 for a general reduction.

3 20 As a condition of receiving an appropriation in this
 3 21 lettered paragraph, the department of corrections shall
 3 22 operate the John Bennett facility either as an institution of
 3 23 the department or a community-based correctional facility.

Requires the DOC to operate the John Bennett Facility as either a prison or a CBC facility.

DETAIL: The John Bennett Facility is a 152-bed medium security

	facility attached to the exterior wall of the Iowa State Penitentiary at Fort Madison.
3 24 b. For the operation of the Anamosa correctional facility,	General Fund appropriation to the DOC for the Anamosa State Penitentiary.
3 25 including salaries, support, maintenance, and miscellaneous	
3 26 purposes:	
3 27 \$ 31,413,895	DETAIL: This is a decrease of \$134,194 compared to the estimated net FY 2009 appropriation. The change includes:
	<ul style="list-style-type: none"> • A decrease of \$246,075 for a general reduction. • An increase of \$111,881 to transfer a cook and a nurse from the Iowa Medical Classification Center at Oakdale.
3 28 It is the intent of the general assembly that the	States legislative intent that the DOC operate the Luster Heights Prison Camp at full capacity.
3 29 department of corrections fully operate the Luster Heights	
3 30 facility at the facility's 88=bed capacity.	DETAIL: The Luster Heights Prison Camp is an 88-bed minimum security facility located in the Yellow River Forest State Park.
3 31 As a condition of the funds appropriated in this lettered	Requires the DOC to spend at least \$238,252 to maintain therapeutic treatment programs.
3 32 paragraph, the department of corrections shall replace expired	
3 33 federal funding by expending at least \$238,252 for	
3 34 continuation of a treatment program that prepares offenders	
3 35 for on=going therapeutic treatment programs offered by the	
4 1 department and maintaining at least 4.75 full=time equivalent	
4 2 positions for the program.	
4 3 Moneys are provided within this appropriation for one full=	Specifies that funds be provided for one substance abuse counselor at the Luster Heights Prison Camp.
4 4 time substance abuse counselor for the Luster Heights facility	
4 5 for the purpose of certification of a substance abuse program	
4 6 at that facility.	
4 7 c. For the operation of the Oakdale correctional facility,	General Fund appropriation to the DOC for the Iowa Medical Classification Center at Oakdale.
4 8 including salaries, support, maintenance, and miscellaneous	

4 9 purposes:		DETAIL: This is a decrease of \$573,796 compared to the estimated net FY 2009 appropriation. The change includes:
4 10	\$ 58,646,095	
4 11 d. For the operation of the Newton correctional facility, 4 12 including salaries, support, maintenance, and miscellaneous 4 13 purposes:		General Fund appropriation to the DOC for the Newton Correctional Facility.
4 14	\$ 28,033,393	
		DETAIL: This is a decrease of \$339,379 compared to the estimated net FY 2009 appropriation. The change includes:
		<ul style="list-style-type: none"> • A decrease of \$461,915 for a general reduction. • A decrease of \$111,881 to transfer a cook and a nurse to the Anamosa State Penitentiary.
4 15 e. For the operation of the Mt. Pleasant correctional 4 16 facility, including salaries, support, maintenance, and 4 17 miscellaneous purposes:		General Fund appropriation to the DOC for the Mount Pleasant Correctional Facility.
4 18	\$ 27,216,182	
		DETAIL: This is a decrease of \$213,955 compared to the estimated net FY 2009 appropriation for a general reduction.
4 19 f. For the operation of the Rockwell City correctional 4 20 facility, including salaries, support, maintenance, and 4 21 miscellaneous purposes:		General Fund appropriation to the DOC for the North Central Correctional Facility at Rockwell City.
4 22	\$ 9,392,186	
		DETAIL: This is a decrease of \$73,835 compared to the estimated net FY 2009 appropriation for a general reduction.
4 23 g. For the operation of the Clarinda correctional 4 24 facility, including salaries, support, maintenance, and 4 25 miscellaneous purposes:		General Fund appropriation to the DOC for the Clarinda Correctional Facility.
4 26	\$ 23,421,051	
		DETAIL: This is a decrease of \$2,105,307 compared to the estimated net FY 2009 appropriation. The change includes:

		<ul style="list-style-type: none"> • A decrease of \$2,000,000 to eliminate funds for the 225-bed minimum-security Lodge. • A decrease of \$183,506 for a general reduction. • An increase of \$78,199 to transfer a counselor from the Fort Dodge Correctional Facility.
4 27	Moneys received by the department of corrections as	
4 28	reimbursement for services provided to the Clarinda youth	Appropriates reimbursements from the Clarinda Youth Academy to
4 29	corporation are appropriated to the department and shall be	the DOC for operating costs associated with the Clarinda Correctional
4 30	used for the purpose of operating the Clarinda correctional	Facility.
4 31	facility.	DETAIL: The Clarinda Youth Academy's annual reimbursement to the
		prison is approximately \$1,000,000.
4 32	h. For the operation of the Mitchellville correctional	
4 33	facility, including salaries, support, maintenance, and	General Fund appropriation to the DOC for the Iowa Correctional
4 34	miscellaneous purposes:	Institution for Women at Mitchellville.
4 35	..... \$ 15,836,794	DETAIL: This is a decrease of \$289,498 compared to the estimated
		net FY 2009 appropriation. The change includes:
		<ul style="list-style-type: none"> • A decrease of \$165,000 to eliminate funds for the Violator Program. • A decrease of \$124,498 for a general reduction.
5 1	i. For the operation of the Fort Dodge correctional	
5 2	facility, including salaries, support, maintenance, and	General Fund appropriation to the DOC for the Fort Dodge
5 3	miscellaneous purposes:	Correctional Facility.
5 4	..... \$ 29,999,036	DETAIL: This is a decrease of \$314,645 compared to the estimated
		net FY 2009 appropriation. The change includes:
		<ul style="list-style-type: none"> • A decrease of \$236,446 for a general reduction. • A decrease of \$78,199 to transfer a counselor to the Clarinda Correctional Facility.
5 5	j. For reimbursement of counties for temporary confinement	
5 6	of work release and parole violators, as provided in sections	General Fund appropriation to the DOC for the County Confinement
		Account to pay for holding alleged parole and work release violators

5 7 901.7, 904.908, and 906.17, and for offenders confined	until their revocation hearings.
5 8 pursuant to section 904.513:	
5 9 \$ 861,213	DETAIL: This is a decrease of \$106,770 compared to the estimated net FY 2009 appropriation for a general reduction.
5 10 k. For federal prison reimbursement, reimbursements for	General Fund appropriation to the DOC to reimburse the federal
5 11 out-of-state placements, and miscellaneous contracts:	Bureau of Prisons for confining Iowa inmates and to pay
5 12 \$ 239,411	miscellaneous contracts.
	DETAIL: This is a decrease of \$1,882 compared to the estimated net FY 2009 appropriation for a general reduction.
5 13 2. The department of corrections shall use funds	Requires the DOC to contract with a Muslim imam to provide religious
5 14 appropriated in subsection 1 to continue to contract for the	services and religious counseling.
5 15 services of a Muslim imam.	DETAIL: This contract is required pursuant to a federal court order.
5 16 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.	
5 17 1. There is appropriated from the general fund of the	
5 18 state to the department of corrections for the fiscal year	
5 19 beginning July 1, 2009, and ending June 30, 2010, the	
5 20 following amounts, or so much thereof as is necessary, to be	
5 21 used for the purposes designated:	
5 22 a. For general administration, including salaries,	General Fund appropriation to the DOC for the Central Office.
5 23 support, maintenance, employment of an education director to	
5 24 administer a centralized education program for the	DETAIL: This is a decrease of \$237,813 compared to the estimated
5 25 correctional system, and miscellaneous purposes:	net FY 2009 appropriation for a general reduction.
5 26 \$ 4,810,048	
5 27 (1) It is the intent of the general assembly that as a	Specifies it is the intent of the General Assembly that, as a condition
5 28 condition of receiving the appropriation provided in this	of receiving appropriated funds, the DOC not enter into a new contract
5 29 lettered paragraph the department of corrections shall not,	in excess of \$100,000 for privatized services during FY 2010 without
5 30 except as otherwise provided in subparagraph (3), enter into a	prior notification of the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and without prior

5 31 new contract, unless the contract is a renewal of an existing
 5 32 contract, for the expenditure of moneys in excess of \$100,000
 5 33 during the fiscal year beginning July 1, 2009, for the
 5 34 privatization of services performed by the department using
 5 35 state employees as of July 1, 2009, or for the privatization
 6 1 of new services by the department without prior consultation
 6 2 with any applicable state employee organization affected by
 6 3 the proposed new contract and prior notification of the co=
 6 4 chairpersons and ranking members of the joint appropriations
 6 5 subcommittee on the justice system.

consultation with any affected employee organization. Existing
 contracts may be renewed without notification.

6 6 (2) It is the intent of the general assembly that each
 6 7 lease negotiated by the department of corrections with a
 6 8 private corporation for the purpose of providing private
 6 9 industry employment of inmates in a correctional institution
 6 10 shall prohibit the private corporation from utilizing inmate
 6 11 labor for partisan political purposes for any person seeking
 6 12 election to public office in this state and that a violation
 6 13 of this requirement shall result in a termination of the lease
 6 14 agreement.

Specifies that it is the intent of the General Assembly that the DOC
 prohibit the use of inmate labor for partisan political activities within
 Iowa when contracting for inmate workers to be employed by a private
 business. Violation of these contract terms will result in termination of
 the contract.

6 15 (3) It is the intent of the general assembly that as a
 6 16 condition of receiving the appropriation provided in this
 6 17 lettered paragraph the department of corrections shall not
 6 18 enter into a lease or contractual agreement pursuant to
 6 19 section 904.809 with a private corporation for the use of
 6 20 building space for the purpose of providing inmate employment
 6 21 without providing that the terms of the lease or contract
 6 22 establish safeguards to restrict, to the greatest extent
 6 23 feasible, access by inmates working for the private
 6 24 corporation to personal identifying information of citizens.

Specifies that it is the intent of the General Assembly that, as a
 condition of receiving appropriated funds, the DOC, when contracting
 with a private business for inmate employment, must restrict inmates'
 access to citizens' personal identifying information.

6 25 b. For educational programs for inmates at state penal
 6 26 institutions:
 6 27 \$ 1,558,109

General Fund appropriation to the DOC for the educational programs
 for inmates.

DETAIL: This is a decrease of \$12,249 compared to the estimated

net FY 2009 appropriation for a general reduction.

6 28 As a condition of receiving the appropriation in this
6 29 lettered paragraph, the department of corrections shall
6 30 transfer at least \$300,000 from the canteen operating funds
6 31 established pursuant to section 904.310 to be used for
6 32 correctional educational programs funded in this lettered
6 33 paragraph.

Requires the DOC to transfer at least \$300,000 from Canteen Funds to the Corrections Education Program.

6 34 It is the intent of the general assembly that moneys
6 35 appropriated in this lettered paragraph shall be used solely
7 1 for the purpose indicated and that the moneys shall not be
7 2 transferred for any other purpose. In addition, it is the
7 3 intent of the general assembly that the department shall
7 4 consult with the community colleges in the areas in which the
7 5 institutions are located to utilize moneys appropriated in
7 6 this lettered paragraph to fund the high school completion,
7 7 high school equivalency diploma, adult literacy, and adult
7 8 basic education programs in a manner so as to maintain these
7 9 programs at the institutions.
7 10 To maximize the funding for educational programs, the
7 11 department shall establish guidelines and procedures to
7 12 prioritize the availability of educational and vocational
7 13 training for inmates based upon the goal of facilitating an
7 14 inmate's successful release from the correctional institution.
7 15 The director of the department of corrections may transfer
7 16 moneys from Iowa prison industries for use in educational
7 17 programs for inmates.

Specifies that it is the intent of the General Assembly that these funds be used only for inmate education. Also, requires the DOC to consult with community colleges located within the area of the prisons regarding how to maintain the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs at the Institutions. Requires the DOC to establish guidelines and procedures to prioritize admission to educational and vocational programs to facilitate inmates' successful release from prison. Permits the DOC to transfer funds from the Iowa Prison Industries Revolving Fund for educational programs for inmates.

7 18 Notwithstanding section 8.33, moneys appropriated in this
7 19 lettered paragraph that remain unobligated or unexpended at
7 20 the close of the fiscal year shall not revert but shall remain
7 21 available for expenditure only for the purpose designated in
7 22 this lettered paragraph until the close of the succeeding

CODE: Requires nonreversion of funds for the Inmate Education Program.

7 23 fiscal year.

7 24 c. For the development of the Iowa corrections offender
7 25 network (ICON) data system:

7 26 \$ 424,364

General Fund appropriation to the DOC for the Iowa Corrections Offender Network (ICON).

DETAIL: This is a decrease of \$3,336 compared to the estimated net FY 2009 appropriation for a general reduction.

7 27 d. For offender mental health and substance abuse
7 28 treatment:

7 29 \$ 24,799

General Fund appropriation to the DOC for mental health and substance abuse treatment.

DETAIL: This is a decrease of \$195 compared to the estimated net FY 2009 appropriation for a general reduction.

7 30 e. For viral hepatitis prevention and treatment:

7 31 \$ 186,534

General Fund appropriation to the DOC for viral hepatitis prevention and treatment.

DETAIL: This is a decrease of \$1,466 compared to the estimated net FY 2009 appropriation for a general reduction.

7 32 2. It is the intent of the general assembly that the
7 33 department of corrections shall continue to operate the
7 34 correctional farms under the control of the department at the
7 35 same or greater level of participation and involvement as
8 1 existed as of January 1, 2009; shall not enter into any rental
8 2 agreement or contract concerning any farmland under the
8 3 control of the department that is not subject to a rental
8 4 agreement or contract as of January 1, 2009, without prior
8 5 legislative approval; and shall further attempt to provide job
8 6 opportunities at the farms for inmates. The department shall
8 7 attempt to provide job opportunities at the farms for inmates
8 8 by encouraging labor-intensive farming or gardening where
8 9 appropriate; using inmates to grow produce and meat for
8 10 institutional consumption; researching the possibility of
8 11 instituting food canning and cook-and-chill operations; and
8 12 exploring opportunities for organic farming and gardening,

Specifies that it is the intent of the General Assembly that the DOC continue farm operations at the same or greater level as existed on January 1, 2009. The DOC is prohibited from renting farmland under the control of the DOC that is not currently being rented without legislative approval. The DOC is to provide meaningful job opportunities for inmates employed on the farms.

8 13 livestock ventures, horticulture, and specialized crops.

8 14 3. The department of corrections shall provide a smoking
8 15 cessation program to offenders committed to the custody of the
8 16 director or who are otherwise detained by the department, that
8 17 complies with legislation enacted restricting or prohibiting
8 18 smoking on the grounds of correctional institutions.

Requires the DOC to provide a smoking cessation program to offenders.

8 19 4. As a condition of receiving the appropriations made in
8 20 this section, the department of corrections shall develop and
8 21 implement offender reentry centers in Black Hawk and Polk
8 22 counties to provide transitional planning and release
8 23 primarily for offenders released from the Iowa correctional
8 24 institution for women at Mitchellville and the Fort Dodge
8 25 correctional facility. Programming shall include minority and
8 26 gender-specific responsivity, employment, substance abuse
8 27 treatment, mental health services, housing, and family
8 28 reintegration. The department of corrections shall
8 29 collaborate with the first and fifth judicial district
8 30 departments of correctional services, the Iowa department of
8 31 workforce development, the department of human services,
8 32 community-based providers and faith-based organizations, and
8 33 local law enforcement.

Requires the Department of Corrections to develop and implement re-entry centers in Waterloo and Des Moines. Specifies programming requirements. This Bill includes appropriations to the First and Fifth CBC District Departments for re-entry centers.

8 34 5. The chief security officer position within the
8 35 department of corrections shall be eliminated by June 30,
9 1 2011.

Eliminates the Chief of Security position in the DOC Central Office at the end of FY 2011.

9 2 6. The department of corrections shall study the use of
9 3 paramedics at correctional institutions, and file a report
9 4 with the chairpersons and ranking members of the joint
9 5 appropriations subcommittee on the justice system and the
9 6 legislative services agency, detailing the study by January
9 7 15, 2010.

Requires the DOC to study the use of paramedics in the prison system, and provide a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by January 15, 2010.

9 8 7. The department of corrections shall implement a
9 9 centralized pharmacy during the fiscal year beginning July 1,
9 10 2009, and file a report with the chairpersons and ranking
9 11 members of the joint appropriations subcommittee on the
9 12 justice system and the legislative services agency. The
9 13 department shall submit the report by September 1, 2010.

Requires the DOC to implement a centralized pharmacy during FY 2010, and provide a report to the Chairs and Ranking Members of the Justice System Appropriations Subcommittee and the LSA by September 1, 2010.

DETAIL: The DOC requested that appropriations for pharmacy costs be transferred to the Iowa Medical Classification System at Oakdale in FY 2008, to enable the creation of a centralized pharmacy. The General Assembly transferred the appropriations as requested. The centralized pharmacy has not yet been created.

9 14 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
9 15 SERVICES.

9 16 1. There is appropriated from the general fund of the
9 17 state to the department of corrections for the fiscal year
9 18 beginning July 1, 2009, and ending June 30, 2010, for the
9 19 treatment and supervision of probation and parole violators
9 20 who have been released from the department of corrections
9 21 violator program, the following amounts, or so much thereof as
9 22 is necessary, to be allocated as follows:

9 23 a. For the first judicial district department of
9 24 correctional services:
9 25 \$ 12,883,094

General Fund appropriation to the DOC for the First CBC District Department.

DETAIL: This is a decrease of \$417,278 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$191,000 to eliminate funds for the Violator Aftercare Program.
- A decrease of \$101,278 for a general reduction.

9 26 As a condition of the funds appropriated in this lettered

Requires the First CBC District Department to spend at least \$140,000 to maintain the Dual Diagnosis Program.

9 27 paragraph, the department of corrections shall replace expired
9 28 federal funding by expending at least \$140,000 for the dual
9 29 diagnosis program and maintaining 1.25 full-time equivalent
9 30 positions for the program.

9 31 b. For the second judicial district department of
9 32 correctional services:
9 33 \$ 10,843,473

General Fund appropriation to the DOC for the Second CBC District Department.

DETAIL: This is a decrease of \$210,244 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$85,244 for a general reduction.

9 34 c. For the third judicial district department of
9 35 correctional services:
10 1 \$ 5,718,746

General Fund appropriation to the DOC for the Third CBC District Department.

DETAIL: This is a decrease of \$385,957 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$216,000 to eliminate funds for the Violator Aftercare Program.
- A decrease of \$44,957 for a general reduction.

10 2 d. For the fourth judicial district department of
10 3 correctional services:
10 4 \$ 5,436,248

General Fund appropriation to the DOC for the Fourth CBC District Department.

DETAIL: This is a decrease of \$167,736 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$42,736 for a general reduction.

10 5 e. For the fifth judicial district department of
 10 6 correctional services, including funding for electronic
 10 7 monitoring devices for use on a statewide basis:
 10 8 \$ 18,958,665

General Fund appropriation to the DOC for the Fifth CBC District Department.

DETAIL: This is a decrease of \$274,040 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$149,040 for a general reduction.

10 9 As a condition of receiving the appropriation in this
 10 10 lettered paragraph, the fifth judicial district department of
 10 11 correctional services shall reinstate 67 beds in buildings 65
 10 12 and 66 at the fort Des Moines facility and resume operating
 10 13 the buildings, in addition to maintaining the 199 beds in
 10 14 buildings 68 and 70 at the fort Des Moines facility. The
 10 15 district department may use inmate labor to upgrade and
 10 16 renovate the buildings, if renovation and updating are
 10 17 required.

Requires the Fifth CBC District Department to re-instate and use 67 beds at Building 65/66 at the Fort Des Moines Residential Facility and maintain the use of 199 beds at Building 68/70. Permits the use of inmate labor to renovate the buildings, if renovation is required.

DETAIL: The Fifth CBC District Department has restructured its Fort Des Moines operations. There are 199 beds at Building 68/70 for residential and work release programs. Building 65/66 had 67 beds for the Operating While Intoxicated (OWI) licensed substance abuse treatment program. The District Department moved the OWI offenders into Building 68/70 and is no longer using the 67 beds in Building 65/66. In March 2009, there were 267 offenders waiting for a bed at Fort Des Moines. This includes 111 work releasees waiting in prison, 24 federal offenders, two offenders in jail, 18 OWI offenders, six parolees, and 106 probation offenders.

10 18 f. For the sixth judicial district department of
 10 19 correctional services:
 10 20 \$ 13,417,533

General Fund appropriation to the DOC for the Sixth CBC District Department.

DETAIL: This is a decrease of \$855,478 compared to the estimated net FY 2009 appropriation. The change includes:

- A decrease of \$125,000 to eliminate funds for a supervisor position.
- A decrease of \$50,000 to eliminate funds for a youth intervention program.
- A decrease of \$400,000 to reduce funds for the mental health residential facility. Approximately \$900,000 remains in the FY

		<p>2010 budget to operate this 26-bed facility.</p> <ul style="list-style-type: none"> • A decrease of \$175,000 to eliminate funds for the Violator Aftercare Program. • A decrease of \$105,478 for a general reduction.
10 21	g. For the seventh judicial district department of	General Fund appropriation to the DOC for the Seventh CBC District Department.
10 22	correctional services:	
10 23	..... \$ 6,995,044	<p>DETAIL: This is a decrease of \$269,990 compared to the estimated net FY 2009 appropriation. The change includes:</p> <ul style="list-style-type: none"> • A decrease of \$125,000 to eliminate funds for a supervisor position. • A decrease of \$90,000 to eliminate funds for the Violator Aftercare Program. • A decrease of \$54,990 for a general reduction.
10 24	h. For the eighth judicial district department of	General Fund appropriation to the DOC for the Eighth CBC District Department.
10 25	correctional services:	
10 26	..... \$ 6,919,964	<p>DETAIL: This is a decrease of \$189,200 compared to the estimated net FY 2009 appropriation. The change includes:</p> <ul style="list-style-type: none"> • A decrease of \$125,000 to eliminate funds for a supervisor position. • A decrease of \$9,800 to eliminate funds for the Violator Aftercare Program. • A decrease of \$54,400 for a general reduction.
10 27	2. Each judicial district department of correctional	Requires each CBC District Department, within available funding, to
10 28	services, within the funding available, shall continue	continue programs and plans established within the District
10 29	programs and plans established within that district to provide	Department for intensive supervision, sex offender treatment,
10 30	for intensive supervision, sex offender treatment, diversion	diversion of low-risk offenders to the least restrictive sanction
10 31	of low-risk offenders to the least restrictive sanction	available, job development, and expanded use of intermediate
10 32	available, job development, and expanded use of intermediate	sanctions.
10 33	criminal sanctions.	

10 34 3. Each judicial district department of correctional
10 35 services shall provide alternatives to prison consistent with
11 1 chapter 901B. The alternatives to prison shall ensure public
11 2 safety while providing maximum rehabilitation to the offender.
11 3 A judicial district department of correctional services may
11 4 also establish a day program.

Requires each CBC District Department to provide alternatives to prison consistent with statute. Permits the District Departments to establish day programs.

11 5 4. The governor's office of drug control policy shall
11 6 consider federal grants made to the department of corrections
11 7 for the benefit of each of the eight judicial district
11 8 departments of correctional services as local government
11 9 grants, as defined pursuant to federal regulations.

Requires the Office of Drug Control Policy to consider federal grants made to the DOC for the benefit of the CBC District Departments as local government grants rather than State government grants or as defined by federal regulations.

11 10 5. The department of corrections shall continue to
11 11 contract with a judicial district department of correctional
11 12 services to provide for the rental of electronic monitoring
11 13 equipment which shall be available statewide.

Requires the DOC to contract with a CBC District Department for the rental of electronic monitoring equipment.

DETAIL: The DOC contracts with the Fifth CBC District Department for electronic monitoring devices that are available statewide.

11 14 6. A judicial district department of correctional services
11 15 shall accept into the facilities of the district department,
11 16 offenders assigned from other judicial district departments of
11 17 correctional services.

Requires the CBC District Departments to accept the transfer of offenders into residential facilities between CBC District Departments.

11 18 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
11 19 APPROPRIATIONS. Notwithstanding section 8.39, within the
11 20 funds appropriated in this Act to the department of
11 21 corrections, the department may reallocate the funds
11 22 appropriated and allocated as necessary to best fulfill the
11 23 needs of the correctional institutions, administration of the
11 24 department, and the judicial district departments of
11 25 correctional services. However, in addition to complying with
11 26 the requirements of sections 904.116 and 905.8 and providing
11 27 notice to the legislative services agency, the department of
11 28 corrections shall also provide notice to the department of

CODE: Permits the DOC to reallocate appropriations between the correctional institutions, the Central Office, and CBC District Departments. Requires the DOC to provide notice to the Department of Management and the LSA before reallocating the funds. Prohibits the reallocation of funds to eliminate a program.

11 29 management, prior to the effective date of the revision or
11 30 reallocation of an appropriation made pursuant to this
11 31 section. The department shall not reallocate an appropriation
11 32 or allocation for the purpose of eliminating any program.

11 33 Sec. 7. INTENT == REPORTS.

11 34 1. The department in cooperation with townships, the Iowa
11 35 cemetery associations, and other nonprofit or governmental
12 1 entities may use inmate labor during the fiscal year beginning
12 2 July 1, 2009, to restore or preserve rural cemeteries and
12 3 historical landmarks. The department in cooperation with the
12 4 counties may also use inmate labor to clean up roads, major
12 5 water sources, and other water sources around the state.

Permits the DOC to work with nonprofit and governmental entities to use inmate labor to restore or preserve rural cemeteries or historical landmarks and to clean up roads and water resources.

12 6 2. Each month the department shall provide a status report
12 7 regarding private=sector employment to the legislative
12 8 services agency beginning on July 1, 2009. The report shall
12 9 include the number of offenders employed in the private
12 10 sector, the combined number of hours worked by the offenders,
12 11 and the total amount of allowances, and the distribution of
12 12 allowances pursuant to section 904.702, including any moneys
12 13 deposited in the general fund of the state.

Requires the DOC to provide a monthly status report to the LSA regarding private sector employment of inmates.

12 14 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 15 corrections shall submit a report on electronic monitoring to
12 16 the general assembly, to the co=chairpersons and the ranking
12 17 members of the joint appropriations subcommittee on the
12 18 justice system, and to the legislative services agency by
12 19 January 15, 2010. The report shall specifically address the
12 20 number of persons being electronically monitored and break
12 21 down the number of persons being electronically monitored by
12 22 offense committed. The report shall also include a comparison
12 23 of any data from the prior fiscal year with the current year.

Requires the DOC to submit a report regarding electronic monitoring to the General Assembly, the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and the LSA by January 15, 2010. Specifies the content of the report.

12 24 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 25 1. As used in this section, unless the context otherwise
 12 26 requires, "state agency" means the government of the state of
 12 27 Iowa, including but not limited to all executive branch
 12 28 departments, agencies, boards, bureaus, and commissions, the
 12 29 judicial branch, the general assembly and all legislative
 12 30 agencies, institutions within the purview of the state board
 12 31 of regents, and any corporation whose primary function is to
 12 32 act as an instrumentality of the state.

12 33 2. State agencies are hereby encouraged to purchase
 12 34 products from Iowa state industries, as defined in section
 12 35 904.802, when purchases are required and the products are
 13 1 available from Iowa state industries. State agencies shall
 13 2 obtain bids from Iowa state industries for purchases of office
 13 3 furniture during the fiscal year beginning July 1, 2009,
 13 4 exceeding \$5,000 or in accordance with applicable
 13 5 administrative rules related to purchases for the agency.

Encourages State agencies to buy products from Iowa Prison Industries whenever possible. Requires State agencies to obtain a bid from Iowa Prison Industries for purchases of office furniture exceeding \$5,000.

13 6 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
 13 7 from the general fund of the state to the office of the state
 13 8 public defender of the department of inspections and appeals
 13 9 for the fiscal year beginning July 1, 2009, and ending June
 13 10 30, 2010, the following amounts, or so much thereof as is
 13 11 necessary, to be allocated as follows for the purposes
 13 12 designated:

13 13 1. For salaries, support, maintenance, miscellaneous
 13 14 purposes, and for not more than the following full-time
 13 15 equivalent positions:

13 16 \$ 21,743,182
 13 17 FTEs 203.00

General Fund appropriation to the Department of Inspections and Appeals for the Office of the State Public Defender.

DETAIL: This is a decrease of \$170,930 and no change in FTE positions compared to the estimated net FY 2009 appropriation for a general reduction.

13 18 2. For the fees of court-appointed attorneys for indigent

General Fund appropriation to the Department of Inspections and

13 19 adults and juveniles, in accordance with section 232.141 and
 13 20 chapter 815:
 13 21 \$ 24,009,163

Appeals for the Indigent Defense Program.

DETAIL: This is a decrease of \$6,356,022 compared to the estimated net FY 2009 appropriation for a general reduction.

13 22 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.
 13 23 1. There is appropriated from the general fund of the
 13 24 state to the Iowa law enforcement academy for the fiscal year
 13 25 beginning July 1, 2009, and ending June 30, 2010, the
 13 26 following amount, or so much thereof as is necessary, to be
 13 27 used for the purposes designated:
 13 28 For salaries, support, maintenance, miscellaneous purposes,
 13 29 including jailer training and technical assistance, and for
 13 30 not more than the following full-time equivalent positions:
 13 31 \$ 1,166,033
 13 32 FTEs 29.55

General Fund appropriation to the Iowa Law Enforcement Academy (ILEA).

DETAIL: This is a decrease of \$109,166 and 0.50 FTE position compared to the estimated net FY 2009 appropriation for a general reduction in funding and the reclassification of a full-time secretary to a part-time receptionist.

13 33 It is the intent of the general assembly that the Iowa law
 13 34 enforcement academy may provide training of state and local
 13 35 law enforcement personnel concerning the recognition of and
 14 1 response to persons with Alzheimer's disease.

Specifies the intent of the General Assembly that the Academy may offer training for law enforcement officers in recognizing and responding to persons with Alzheimer's disease.

14 2 The Iowa law enforcement academy may temporarily exceed and
 14 3 draw more than the amount appropriated and incur a negative
 14 4 cash balance as long as there are receivables equal to or
 14 5 greater than the negative balance and the amount appropriated
 14 6 in this subsection is not exceeded at the close of the fiscal
 14 7 year.

Permits the ILEA to incur a negative General Fund balance as long as there are equal receivables coming into the Academy by the close of the fiscal year.

DETAIL: This language is to assist with cash flow issues the Academy faces in the last quarter of the fiscal year.

14 8 2. The Iowa law enforcement academy may select at least
 14 9 five automobiles of the department of public safety, division
 14 10 of state patrol, prior to turning over the automobiles to the
 14 11 department of administrative services to be disposed of by
 14 12 public auction, and the Iowa law enforcement academy may

Permits the Academy to annually exchange at least five vehicles returned to the State Fleet Administrator by the Department of Public Safety for any of the Academy's training vehicles. The vehicles received from the Academy are to be sold at public auction, with the receipts to be deposited in the Depreciation Fund used to purchase

14 13 exchange any automobile owned by the academy for each
 14 14 automobile selected if the selected automobile is used in
 14 15 training law enforcement officers at the academy. However,
 14 16 any automobile exchanged by the academy shall be substituted
 14 17 for the selected vehicle of the department of public safety
 14 18 and sold by public auction with the receipts being deposited
 14 19 in the depreciation fund to the credit of the department of
 14 20 public safety, division of state patrol.

new vehicles for the Department of Public Safety (DPS).

14 21 Sec. 12. BOARD OF PAROLE. There is appropriated from the
 14 22 general fund of the state to the board of parole for the
 14 23 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 14 24 the following amount, or so much thereof as is necessary, to
 14 25 be used for the purposes designated:
 14 26 For salaries, support, maintenance, miscellaneous purposes,
 14 27 and for not more than the following full-time equivalent
 14 28 positions:
 14 29 \$ 1,161,399
 14 30 FTEs 18.50

General Fund appropriation to the Board of Parole.

DETAIL: This is a decrease of \$90,504 and no change in FTE positions compared to the estimated net FY 2009 appropriation for a general reduction.

14 31 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 14 32 appropriated from the general fund of the state to the
 14 33 department of public defense for the fiscal year beginning
 14 34 July 1, 2009, and ending June 30, 2010, the following amounts,
 14 35 or so much thereof as is necessary, to be used for the
 15 1 purposes designated:

15 2 1. MILITARY DIVISION
 15 3 For salaries, support, maintenance, miscellaneous purposes,
 15 4 and for not more than the following full-time equivalent
 15 5 positions:
 15 6 \$ 6,249,201
 15 7 FTEs 313.30

General Fund appropriation to the Military Division of the Department of Public Defense.

DETAIL: This is decrease of \$112,746 and an increase of 6.87 FTE positions compared to the estimated net FY 2009 appropriation for a general reduction in funding and an increase in FTE positions due to the hiring of janitors for the new Readiness Freedom Center at Camp Dodge.

15 8 The military division may temporarily exceed and draw more

Permits the Military Division to incur a negative cash balance as long

15 9 than the amount appropriated and incur a negative cash balance
 15 10 as long as there are receivables of federal funds equal to or
 15 11 greater than the negative balance and the amount appropriated
 15 12 in this subsection is not exceeded at the close of the fiscal
 15 13 year.

as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Military Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

15 14 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 15 15 For salaries, support, maintenance, miscellaneous purposes,
 15 16 and for not more than the following full-time equivalent
 15 17 positions:
 15 18 \$ 2,038,119
 15 19 FTEs 33.10

General Fund appropriation to the Homeland Security and Emergency Management Division.

DETAIL: This is decrease of \$174,603 and 2.00 FTE positions compared to the estimated net FY 2009 appropriation for the elimination of \$136,454 and 2.00 FTE positions that will be funded from the Rebuild Iowa Office and for a general reduction.

15 20 The homeland security and emergency management division may
 15 21 temporarily exceed and draw more than the amount appropriated
 15 22 and incur a negative cash balance as long as there are
 15 23 receivables of federal funds equal to or greater than the
 15 24 negative balance and the amount appropriated in this
 15 25 subsection is not exceeded at the close of the fiscal year.

Permits the Homeland Security and Emergency Management Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Homeland Security and Emergency Management Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

15 26 It is the intent of the general assembly that the homeland
 15 27 security and emergency management division work in conjunction

Specifies the intent of the General Assembly that the Homeland Security and Emergency Management Division work in conjunction

15 28 with the department of public safety, to the extent possible,
 15 29 when gathering and analyzing information related to potential
 15 30 domestic or foreign security threats, and when monitoring such
 15 31 threats.

with the Department of Public Safety when gathering and analyzing
 information related to potential domestic and foreign security threats.

15 32 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
 15 33 appropriated from the general fund of the state to the
 15 34 department of public safety for the fiscal year beginning July
 15 35 1, 2009, and ending June 30, 2010, the following amounts, or
 16 1 so much thereof as is necessary, to be used for the purposes
 16 2 designated:

16 3 1. For the department's administrative functions,
 16 4 including the criminal justice information system, and for not
 16 5 more than the following full-time equivalent positions:
 16 6 \$ 4,391,190
 16 7 FTEs 39.00

General Fund appropriation to the Department of Public Safety for the
 Administrative Services Division.

DETAIL: This is decrease of \$79,224 and no change in FTE positions
 compared to the estimated net FY 2009 appropriation for a general
 reduction.

16 8 2. For the division of criminal investigation, including
 16 9 the state's contribution to the peace officers' retirement,
 16 10 accident, and disability system provided in chapter 97A in the
 16 11 amount of the state's normal contribution rate, as defined in
 16 12 section 97A.8, multiplied by the salaries for which the funds
 16 13 are appropriated, to meet federal fund matching requirements,
 16 14 and for not more than the following full-time equivalent
 16 15 positions:
 16 16 \$ 21,125,270
 16 17 FTEs 287.50

General Fund appropriation to the Department of Public Safety for the
 Division of Criminal Investigation (DCI).

DETAIL: This is decrease of \$381,136 compared to the estimated net
 FY 2009 appropriation for a general reduction and an increase of 1.00
 FTE position to reflect the transfer of the Commissioner's Executive
 Officer position from the Division of Narcotics Enforcement to the DCI.

16 18 If any of the Indian tribes fail to pay for 1.00 FTE
 16 19 pursuant to the agreements or compacts entered into between
 16 20 the state and the Indian tribes pursuant to section 10A.104,
 16 21 subsection 10, the number of full-time equivalent positions
 16 22 authorized under this subsection is reduced by 1.00 FTE.

Specifies that if funding for the 1.00 FTE position for a DCI Special
 Agent to perform Tribal Gaming Inspections is not funded from the
 Tribal-State Compact, this FTE position will no longer be authorized.

16 23 The department shall employ one additional special agent
 16 24 and one additional criminalist for the purpose of
 16 25 investigating cold cases. Prior to employing the additional
 16 26 special agent and criminalist authorized in this paragraph,
 16 27 the department shall provide a written statement to
 16 28 prospective employees that states to the effect that the
 16 29 positions are being funded by a temporary federal grant and
 16 30 there are no assurances that funds from other sources will be
 16 31 available after the federal funding expires. If the federal
 16 32 funding for the additional positions expires during the fiscal
 16 33 year, the number of full-time equivalent positions authorized
 16 34 in this subsection is reduced by 2.00 FTEs.

Specifies that the Department will employ one Special Agent and one Criminalist to investigate cold cases. However, if federal funds are not received for the 2.00 FTE positions for the Cold Case Unit, the positions are eliminated.

16 35 The department of public safety, with the approval of the
 17 1 department of management, may employ no more than two special
 17 2 agents and four gaming enforcement officers for each
 17 3 additional riverboat or gambling structure regulated after
 17 4 July 1, 2009, and one special agent for each racing facility
 17 5 which becomes operational during the fiscal year which begins
 17 6 July 1, 2009. One additional gaming enforcement officer, up
 17 7 to a total of four per riverboat or gambling structure, may be
 17 8 employed for each riverboat or gambling structure that has
 17 9 extended operations to 24 hours and has not previously
 17 10 operated with a 24-hour schedule. Positions authorized in
 17 11 this paragraph are in addition to the full-time equivalent
 17 12 positions otherwise authorized in this subsection.

Permits the Department of Public Safety to employ a maximum of two special agents and four gaming officers if approved by the Department of Management for new riverboats licensed after July 1, 2009, and for riverboats that have extended operations to 24 hours. Also permits the employment of one special agent for each racing facility that becomes operational during FY 2010.

17 13 3. For the criminalistics laboratory fund created in
 17 14 section 691.9:
 17 15 \$ 335,939

General Fund appropriation for the Criminalistics Laboratory Fund.

DETAIL: This is decrease of \$6,061 compared to the estimated net FY 2009 appropriation for a general reduction.

17 16 4. a. For the division of narcotics enforcement,
 17 17 including the state's contribution to the peace officers'
 17 18 retirement, accident, and disability system provided in

General Fund appropriation to the Department of Public Safety for the Division of Narcotics Enforcement (DNE).

DETAIL: This is decrease of \$115,219 compared to the estimated net

17 19	chapter 97A in the amount of the state's normal contribution	FY 2009 appropriation for a general reduction and a decrease in 1.00
17 20	rate, as defined in section 97A.8, multiplied by the salaries	FTE position to reflect the transfer of the Commissioner's Executive
17 21	for which the funds are appropriated, to meet federal fund	Officer position from the DNE to the Division of Criminal Investigation.
17 22	matching requirements, and for not more than the following	
17 23	full-time equivalent positions:	
17 24	..... \$ 6,386,274	
17 25	..... FTEs 81.00	
17 26	b. For the division of narcotics enforcement for	General Fund appropriation to the Department of Public Safety for
17 27	undercover purchases:	undercover purchases.
17 28	..... \$ 121,158	
17 29	5. For the division of state fire marshal, for fire	General Fund appropriation to the Department of Public Safety for the
17 30	protection services as provided through the state fire service	State Fire Marshal's Office.
17 31	and emergency response council as created in the department,	
17 32	and for the state's contribution to the peace officers'	DETAIL: This is decrease of \$71,967 and no change in FTE positions
17 33	retirement, accident, and disability system provided in	compared to the estimated net FY 2009 appropriation for a general
17 34	chapter 97A in the amount of the state's normal contribution	reduction.
17 35	rate, as defined in section 97A.8, multiplied by the salaries	
18 1	for which the funds are appropriated, and for not more than	
18 2	the following full-time equivalent positions:	
18 3	..... \$ 3,988,892	
18 4	..... FTEs 59.00	
18 5	6. For the division of state patrol, for salaries,	General Fund appropriation to the Iowa State Patrol.
18 6	support, maintenance, workers' compensation costs, and	
18 7	miscellaneous purposes, including the state's contribution to	DETAIL: This is decrease of \$903,315 and no change in FTE
18 8	the peace officers' retirement, accident, and disability	positions compared to the estimated net FY 2009 appropriation for a
18 9	system provided in chapter 97A in the amount of the state's	general reduction.
18 10	normal contribution rate, as defined in section 97A.8,	
18 11	multiplied by the salaries for which the funds are	
18 12	appropriated, and for not more than the following full-time	
18 13	equivalent positions:	
18 14	..... \$ 50,068,094	

18 15 FTEs 536.00

18 16 It is the intent of the general assembly that members of
18 17 the state patrol be assigned to patrol the highways and roads
18 18 in lieu of assignments for inspecting school buses for the
18 19 school districts.

Specifies the intent of the General Assembly that the Iowa State Patrol assign education officers to perform school bus inspections rather than having road troopers perform these inspections.

18 20 7. For deposit in the sick leave benefits fund established
18 21 under section 80.42 for all departmental employees eligible to
18 22 receive benefits for accrued sick leave under the collective
18 23 bargaining agreement:
18 24 \$ 310,575

General Fund appropriation to create a non-reversionary fund in the Department of Public Safety to be used for sick leave payout. All sworn officers of the Department are eligible to receive benefits for accrued sick leave under the collective bargaining agreement.

DETAIL: This is a decrease of \$5,604 compared to the estimated net FY 2009 appropriation for a general reduction.

18 25 8. For costs associated with the training and equipment
18 26 needs of volunteer fire fighters:
18 27 \$ 680,421

General Fund appropriation to the Department of Public Safety for Volunteer Fire Fighter Training.

DETAIL: This is decrease of \$12,276 compared to the estimated net FY 2009 appropriation for a general reduction.

18 28 Notwithstanding section 8.33, moneys appropriated in this
18 29 subsection that remain unencumbered or unobligated at the
18 30 close of the fiscal year shall not revert but shall remain
18 31 available for expenditure only for the purpose designated in
18 32 this subsection until the close of the succeeding fiscal year.

CODE: Requires nonreversion of funds for fire fighter training and equipment needs.

18 33 Notwithstanding section 8.39, within the funds appropriated
18 34 in this section the department of public safety may reallocate
18 35 funds as necessary to best fulfill the needs provided for in
19 1 the appropriation. However, the department shall not
19 2 reallocate an appropriation made to the department in this
19 3 section unless notice of the reallocation is given to the
19 4 legislative services agency and the department of management
19 5 prior to the effective date of the reallocation. The notice

CODE: Permits funds appropriated to the Department of Public Safety to be allocated as necessary to fulfill appropriation needs within the Department. The Department is not allowed to reallocate an appropriation unless notice is given to the LSA and the DOM prior to the effective date of the reallocation. The Department is not allowed to reallocate the appropriation for the purpose of eliminating a program.

19 6 shall include information about the rationale for reallocating
 19 7 the appropriation. The department shall not reallocate an
 19 8 appropriation made in this section for the purpose of
 19 9 eliminating any program.

19 10 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 19 11 from the general fund of the state to the Iowa state civil
 19 12 rights commission for the fiscal year beginning July 1, 2009,
 19 13 and ending June 30, 2010, the following amount, or so much
 19 14 thereof as is necessary, to be used for the purposes
 19 15 designated:

19 16 For salaries, support, maintenance, miscellaneous purposes,
 19 17 and for not more than the following full-time equivalent
 19 18 positions:

19 19 \$ 1,533,179

19 20 FTEs 29.50

19 21 The Iowa state civil rights commission may enter into a
 19 22 contract with a nonprofit organization to provide legal
 19 23 assistance to resolve civil rights complaints.

19 24 Sec. 16. IOWA COMMUNICATIONS NETWORK. It is the intent of
 19 25 the general assembly that the executive branch agencies
 19 26 receiving an appropriation in this Act utilize the Iowa
 19 27 communications network or other electronic communications in
 19 28 lieu of traveling for the fiscal year addressed by the
 19 29 appropriations.

19 30 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 19 31 DIVISION. There is appropriated from the wireless E911
 19 32 emergency communications fund created in section 34A.7A to the
 19 33 administrator of the homeland security and emergency
 19 34 management division of the department of public defense for
 19 35 the fiscal year beginning July 1, 2009, and ending June 30,
 20 1 2010, an amount not exceeding \$200,000 to be used for

General Fund appropriation to the Iowa Civil Rights Commission.

DETAIL: This is a decrease of \$12,053 and an increase of 0.50 FTE position compared to the estimated net FY 2009 appropriation. The change includes:

- A general reduction of \$12,053.
- An increase of 0.50 FTE position to reflect the accrual of time by Drake law school interns.

Permits the Commission to enter into a contract with a non-profit organization for legal assistance.

Encourages State agencies that receive an appropriation in this Bill to utilize the Iowa Communications Network in lieu of travel.

Permits continued funding from the Wireless E911 Emergency Communications Fund for the E911 Program Manager in the Homeland Security and Emergency Management Division of the Department of Public Defense through FY 2010.

DETAIL: The Division receives up to \$200,000 and 2.00 FTE positions for the administration of the wireless E911 service and to

20 2 implementation, support, and maintenance of the functions of
 20 3 the administrator and program manager under chapter 34A and to
 20 4 employ the auditor of the state to perform an annual audit of
 20 5 the wireless E911 emergency communications fund.

employ the State Auditor to perform an annual audit on the Fund.

20 6 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.
 20 7 Notwithstanding section 80B.11B, the Iowa law enforcement
 20 8 academy may charge more than one-half the cost of providing
 20 9 the basic training course if a majority of the Iowa law
 20 10 enforcement academy council authorizes charging more than one=
 20 11 half of the cost of providing basic training. This section is
 20 12 repealed on June 30, 2010.

CODE: Permits the Iowa Law Enforcement Academy to charge Academy attendees more than half the cost to provide training if approved by the Law Enforcement Academy Council. This Section is repealed June 30, 2010.

DETAIL: The total cost to attend the Basic Academy in FY 2009 is \$6,589. This is an increase of \$632 (10.6%) compared to FY 2008. Tuition for FY 2009 is \$4,000 (60.7%) of the cost to attend.

20 13 Sec. 19. INTERIM REPORTING == IMPLEMENTATION. The board
 20 14 of parole shall develop and implement the certificate of
 20 15 employability program as provided in section 906.19. The
 20 16 board shall file an interim status report regarding the
 20 17 certificate of employability program development with the
 20 18 general assembly and the legislative services agency by
 20 19 January 1, 2010.

Requires the Board of Parole to develop and implement a Certificate of Employability Program by July 1, 2009 (FY 2010). Requires the Board to file an interim status report with the General Assembly and the LSA by January 1, 2010.

20 20 Sec. 20. CONSUMER EDUCATION AND LITIGATION FUND.
 20 21 Notwithstanding section 714.16C, for each fiscal year of the
 20 22 period beginning July 1, 2008, and ending June 30, 2011, the
 20 23 annual appropriations in section 714.16C, are increased from
 20 24 \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000
 20 25 respectively. Moneys appropriated from the consumer education
 20 26 and litigation fund may be allocated for cash flow purposes to
 20 27 the victim compensation fund established in section 915.94
 20 28 during each of the fiscal years enumerated, provided that any
 20 29 moneys so allocated are returned to the consumer education and
 20 30 litigation fund by the end of each fiscal year an allocation
 20 31 occurs.

CODE: Increases the expenditure cap on the Consumer Education and Litigation Fund by \$800,000 for the period FY 2009 through FY 2011. Permits moneys in the Consumer Education and Litigation Fund to be used for cash flow purposes of the Victim Compensation Fund. This Section takes effect April 1, 2009, and is repealed June 30, 2011.

20 32 Sec. 21. SUPERVISOR AND EMPLOYEE RATIO. The department of

Requires the Department of Administrative Services and the State

20 33 administrative services and the executive branch agencies
 20 34 receiving appropriations in this Act shall pursue a goal of
 20 35 achieving a ratio of fourteen employees per supervisor in such
 21 1 agencies, by December 31, 2009.

agencies receiving funds in this Bill to pursue a goal of 14 employees per supervisor by December 31, 2009.

21 2 Sec. 22. Section 13B.4, subsection 2, Code 2009, is
 21 3 amended to read as follows:
 21 4 2. The state public defender shall file a notice with the
 21 5 clerk of the district court in each county served by a public
 21 6 defender designating which public defender office shall
 21 7 receive notice of appointment of cases. The state public
 21 8 defender may also ~~designate~~ enter into a contract with a
 21 9 ~~nonprofit organization which has a contract with the state~~
 21 10 ~~public defender to~~ or an attorney, designating that the
 21 11 ~~nonprofit organization or attorney~~ provide legal services to
 21 12 eligible indigent persons as the state public defender's
 21 13 designee. In each county in which the state public defender
 21 14 files a designation, the state public defender's designee
 21 15 shall be appointed by the court to represent all eligible
 21 16 persons or to serve as guardian ad litem for eligible children
 21 17 in juvenile court in all cases and proceedings specified in
 21 18 the designation. The appointment shall not be made if the
 21 19 state public defender or the state public defender's designee
 21 20 notifies the court that the state public defender's designee
 21 21 will not provide services in certain cases as identified in
 21 22 the designation by the state public defender.

CODE: Permits the Office of the State Public Defender to contract with private attorneys for a set rate.

21 23 Sec. 23. Section 13B.4, subsection 4, paragraph c,
 21 24 subparagraph (2), subparagraph division (d), Code 2009, is
 21 25 amended to read as follows:
 21 26 (d) If the claimant was appointed contrary to section
 21 27 814.11 or 815.10, or the claimant failed to comply with
 21 28 section 814.11, subsection 6, or section 815.10, subsection 5.

CODE: Permits the Office of the State Public Defender to contract with private attorneys for a set rate.

21 29 Sec. 24. Section 216.15, subsection 3, paragraph a, Code

CODE: Eliminates certified mail requirements for the Civil Rights Commission. Section 25 of this Bill permits service by electronic or

21 30 2009, is amended to read as follows:
 21 31 a. After the filing of a verified complaint, a true copy
 21 32 shall be served within twenty days on the person against whom
 21 33 the complaint is filed, except as provided in subsection 3A .
 21 34 ~~If the first named respondent on a complaint is not a~~
 21 35 ~~governmental entity, service of a true copy on the respondent~~
 22 1 ~~shall be by certified mail.~~ An authorized member of the
 22 2 commission staff shall make a prompt investigation and shall
 22 3 issue a recommendation to an administrative law judge employed
 22 4 either by the commission or by the division of administrative
 22 5 hearings created by section 10A.801, who shall then issue a
 22 6 determination of probable cause or no probable cause.

regular mail. If the complainant does not respond to either regular or electronic mail after 90 days, the Civil Rights Commission must serve the papers by certified mail.

22 7 Sec. 25. Section 216.15, Code 2009, is amended by adding
 22 8 the following new subsection:
 22 9 NEW SUBSECTION . 3A. a. The commission may permit service
 22 10 of a complaint on a respondent by regular or electronic mail.
 22 11 If the respondent does not respond to the service by regular
 22 12 or electronic mail after ninety days, the commission shall
 22 13 serve the complaint on the respondent by certified mail within
 22 14 twenty days after the expiration of the ninety-day response
 22 15 period to service by regular or electronic mail.
 22 16 b. The commission may also permit a party to file a
 22 17 response to a complaint, a document, information, or other
 22 18 material, by electronic mail.
 22 19 c. The commission may issue a notice, determination,
 22 20 order, subpoena, request, correspondence, or any other
 22 21 document issued by the commission, by electronic mail.

CODE: Permits certain documents to be filed electronically with the Civil Rights Commission. Permits service by electronic or regular mail. If the complainant does not respond to either regular or electronic mail after 90 days, the Civil Rights Commission must serve the papers by certified mail.

22 22 Sec. 26. NEW SECTION . 216.21 DOCUMENTS TO ATTORNEY OR
 22 23 PARTY.
 22 24 If a party is represented by an attorney during the
 22 25 proceedings of the commission, with permission of the attorney
 22 26 for the party or of the party, the commission shall provide
 22 27 copies of all relevant documents including an order or
 22 28 decision to either the attorney for the party or the party,

CODE: Permits one set of documents to be given to the party or the party's attorney.

22 29 but not to both.

22 30 Sec. 27. Section 904.315, unnumbered paragraph 2, Code
22 31 2009, is amended to read as follows:
22 32 A contract is not required for improvements at a state
22 33 institution where the labor of inmates is to be used if the
22 34 contract is not for a construction, reconstruction,
22 35 demolition, or repair project or improvement with an estimated
23 1 cost in excess of ~~twenty-five~~ fifty thousand dollars.

CODE: Increases the dollar value cap on the use of inmate labor from \$25,000 per project to \$50,000 per project.

23 2 Sec. 28. Section 915.86, subsection 1, Code 2009, is
23 3 amended by adding the following new paragraphs:
23 4 NEW PARAGRAPH . a. The department shall establish the
23 5 rates at which it will pay charges for medical care.
23 6 NEW PARAGRAPH . b. If the department awards compensation,
23 7 in full, at the established rate for medical care, and the
23 8 medical provider accepts the payment, the medical provider
23 9 shall hold harmless the victim for any amount not collected
23 10 that is more than the rate established by the department.

CODE: Permits the Office of the Attorney General to establish the reimbursement rates for medical care for payments from the Victim Compensation Fund. If a provider accepts the established rate, no further financial claims are made against the victims.

23 11 Sec. 29. EFFECTIVE DATE. The section of this Act
23 12 increasing appropriations pursuant to section 714.16C, being
23 13 deemed of immediate importance, takes effect upon enactment
23 14 and applies retroactively to April 1, 2009.

States the language that increases the cap on the Consumer Education and Litigation Fund, and permits the Fund to cash flow expenditures of the Victim Compensation Fund, takes effect April 1, 2009.

DETAIL: This language is repealed at the end of FY 2011.

23 15 EXPLANATION

23 16 This bill makes appropriations from the general fund of the
23 17 state for fiscal year 2009=2010 to the departments of justice,
23 18 corrections, public defense, and public safety, and the Iowa
23 19 law enforcement academy, office of consumer advocate, office
23 20 of the state public defender, board of parole, and Iowa state
23 21 civil rights commission.
23 22 The bill allows the department of justice to transfer

23 23 moneys from the victim compensation fund to the victim
23 24 assistance grant program.

23 25 The bill permits the department of justice to establish the
23 26 rates at which the department awards compensation for medical
23 27 care expenses from the victim compensation fund. Under the
23 28 bill, if the department of justice awards compensation, in
23 29 full, and the medical provider accepts the payment, the
23 30 medical care provider shall hold harmless the victim for any
23 31 amount not collected that is more than the rate established by
23 32 the department.

23 33 For the fiscal period beginning July 1, 2008, and ending
23 34 June 30, 2011, the bill increases the annual appropriations
23 35 from the consumer education and litigation fund in Code
24 1 section 714.16C, to the department of justice. The bill
24 2 permits the moneys appropriated from the consumer education
24 3 and litigation fund to be allocated to the victim compensation
24 4 fund for cash flow purposes, if the moneys so allocated are
24 5 returned to the consumer and education litigation fund by the
24 6 end of each fiscal year an allocation occurs. The provision
24 7 takes effect upon enactment and applies retroactively to April
24 8 1, 2009.

24 9 The bill requires the department of justice to cooperate
24 10 with the auditor of state in preparing a report detailing
24 11 reimbursement moneys received by the department for services
24 12 performed on behalf of state agencies.

24 13 The bill requires the department of corrections to operate
24 14 the John Bennett facility either as an institution of the
24 15 department or a community-based correctional facility.

24 16 The bill eliminates the chief security officer position
24 17 within the department of corrections by June 30, 2011.

24 18 The bill requires the department of corrections to study
24 19 the use of paramedics at correctional institutions, and file a
24 20 report with the ranking members of the joint appropriations
24 21 subcommittee on the justice system and the legislative
24 22 services agency, detailing the study by January 15, 2010.

24 23 The bill requires the department of corrections to
24 24 implement a centralized pharmacy during the fiscal year
24 25 beginning July 1, 2009.

24 26 Under the bill, a contract is not required for improvements
24 27 at a state institution where the labor of inmates is used and
24 28 the estimated cost of the improvement does not exceed \$50,000.
24 29 Currently, an improvement using inmate labor shall not exceed
24 30 \$25,000.

24 31 The bill provides that the department of corrections may
24 32 reallocate appropriated funds between the institutions of the
24 33 department of corrections, the department's administration,
24 34 and the judicial district departments of correctional
24 35 services. The bill provides the department, prior to the
25 1 effective date of any reallocation, must provide notice to the
25 2 department of management, the legislative services agency, and
25 3 the district board of any judicial district department of
25 4 correctional services affected by the reallocation.

25 5 The bill provides that as a condition of receiving an
25 6 appropriation, the fifth judicial district department of
25 7 correctional services shall reinstate 67 beds in buildings 65
25 8 and 66 at the Fort Des Moines facility, in addition to
25 9 maintaining the 199 beds in buildings 68 and 70 at the Fort
25 10 Des Moines facility.

25 11 The bill amends Code section 13B.4 to allow the state
25 12 public defender to enter into a contract with an attorney
25 13 designating that the attorney provide legal services to
25 14 eligible indigent persons as the state public defender's
25 15 designee. Under the bill, if the state public defender files
25 16 such a designation in a county, the attorney shall be
25 17 appointed by the court to represent all eligible indigent
25 18 persons in all cases specified in the designation. Currently,
25 19 only a nonprofit organization is allowed to act as the state
25 20 public defender's designee in a county where such a
25 21 designation exists.

25 22 The bill also amends Code section 13B.4 to specify that the
25 23 state public defender may deny a claim for indigent defense
25 24 fees and expenses if the attorney was appointed contrary to
25 25 the provisions of Code section 815.10. The bill also
25 26 specifies that the state public defender may deny a claim for
25 27 indigent defense fees and expenses if the appointment of the
25 28 attorney is not on a rotational basis, considering the

25 29 experience of the attorney and the difficulty of the case.
25 30 The bill addresses Code section 80B.11B to provide that for
25 31 FY 2009=2010 the Iowa law enforcement academy may charge a
25 32 department of the state, a member of a police force, or any
25 33 political subdivision of the state more than one=half of the
25 34 cost to provide the basic training course for a law
25 35 enforcement officer, provided a majority of the Iowa law
26 1 enforcement council approves such a charge. Current law
26 2 prohibits the Iowa law enforcement academy from charging more
26 3 than one=half of the cost of providing the basic training
26 4 course.
26 5 The bill also appropriates moneys, not to exceed \$200,000,
26 6 from the wireless E911 emergency communications fund to the
26 7 homeland security and emergency management division for
26 8 implementation, support, and maintenance of the functions of
26 9 the administrator and program manager of the E911 emergency
26 10 system.
26 11 The bill provides that the department of public safety may
26 12 reallocate the funds appropriated to the department between
26 13 the divisions of the department. The bill provides that the
26 14 department, prior to the effective date of any reallocation,
26 15 must provide notice of the reallocation to the department of
26 16 management and the legislative services agency.
26 17 The bill amends Code section 216.15 to permit, but not
26 18 require, the Iowa state civil rights commission to serve a
26 19 complaint on a respondent by regular or electronic mail. If
26 20 the respondent does not respond to the service by regular or
26 21 electronic mail within 90 days of the mailing, the bill
26 22 requires the commission to serve the complaint on the
26 23 respondent by certified mail within 20 days of the expiration
26 24 of the 90=day response period to service by regular or
26 25 electronic mail. Currently, a complaint is required to be
26 26 served on the respondent within 20 days of being filed by
26 27 certified mail.
26 28 The bill also amends Code section 216.15 to permit the Iowa
26 29 state civil rights commission to issue a notice,
26 30 determination, order, subpoena, request, correspondence, or
26 31 any other document issued by the commission, by electronic

26 32 mail.

26 33 The bill amends Code section 216.15 to permit the Iowa

26 34 state civil rights commission to permit a party to a complaint

26 35 to file a response, a document, information, or other material

27 1 by electronic mail.

27 2 New Code section 216.21 permits the Iowa state civil rights

27 3 commission to mail certain documents to a party to a complaint

27 4 or the attorney for the party, but not to both.

27 5 LSB 1005SV 83

27 6 jm/jp/24

Summary Data

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Justice System	\$ 521,542,555	\$ 533,858,575	\$ 515,415,043	\$ -18,443,532	
Grand Total	<u>\$ 521,542,555</u>	<u>\$ 533,858,575</u>	<u>\$ 515,415,043</u>	<u>\$ -18,443,532</u>	

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Justice, Department of</u>					
Justice, Dept. of					
General Office A.G.	\$ 9,485,145	\$ 9,359,691	\$ 8,592,145	\$ -767,546	PG 1 LN 7
Victim Assistance Grants	150,000	147,750	2,400,000	2,252,250	PG 1 LN 21
Legal Services Poverty Grants	2,000,000	1,970,000	1,954,634	-15,366	PG 1 LN 34
Farm Mediation Services	300,000	289,457	0	-289,457	
Total Justice, Dept. of	\$ 11,935,145	\$ 11,766,898	\$ 12,946,779	\$ 1,179,881	
Consumer Advocate					
Consumer Advocate	\$ 3,374,466	\$ 3,028,549	\$ 2,809,606	\$ -218,943	PG 2 LN 31
Total Justice, Department of	\$ 15,309,611	\$ 14,795,447	\$ 15,756,385	\$ 960,938	
<u>Civil Rights Commission</u>					
Civil Rights Commission					
Civil Rights Commission	\$ 1,504,036	\$ 1,545,232	\$ 1,533,179	\$ -12,053	PG 19 LN 10
Total Civil Rights Commission	\$ 1,504,036	\$ 1,545,232	\$ 1,533,179	\$ -12,053	
<u>Corrections, Dept. of</u>					
CBC District 1					
CBC District I	\$ 12,706,033	\$ 13,300,372	\$ 12,883,094	\$ -417,278	PG 9 LN 23
CBC District 2					
CBC District II	\$ 10,080,108	\$ 11,053,717	\$ 10,843,473	\$ -210,244	PG 9 LN 31
CBC District 3					
CBC District III	\$ 5,903,401	\$ 6,104,703	\$ 5,718,746	\$ -385,957	PG 9 LN 34
CBC District 4					
CBC District IV	\$ 5,419,406	\$ 5,603,984	\$ 5,436,248	\$ -167,736	PG 10 LN 2
CBC District 5					
CBC District V	\$ 18,401,003	\$ 19,232,705	\$ 18,958,665	\$ -274,040	PG 10 LN 5
CBC District 6					
CBC District VI	\$ 12,675,246	\$ 14,273,011	\$ 13,417,533	\$ -855,478	PG 10 LN 18
CBC District 7					
CBC District VII	\$ 7,020,794	\$ 7,265,034	\$ 6,995,044	\$ -269,990	PG 10 LN 21

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
CBC District 8					
CBC District VIII	\$ 6,998,544	\$ 7,109,164	\$ 6,919,964	\$ -189,200	PG 10 LN 24
Central Office					
County Confinement	\$ 1,199,954	\$ 967,983	\$ 861,213	\$ -106,770	PG 5 LN 5
Federal Prisoners/ Contractual	241,293	241,293	239,411	-1,882	PG 5 LN 10
Corrections Administration	5,050,732	5,047,861	4,810,048	-237,813	PG 5 LN 22
Corrections Education	1,570,358	1,570,358	1,558,109	-12,249	PG 6 LN 25
Iowa Corrections Offender Network	427,700	427,700	424,364	-3,336	PG 7 LN 24
Mental Health/Substance Abuse	25,000	24,994	24,799	-195	PG 7 LN 27
Hepatitis Treatment and Education	188,000	188,000	186,534	-1,466	PG 7 LN 30
Transitional Housing - Comm. Based	30,000	0	0	0	
Total Central Office	\$ 8,733,037	\$ 8,468,189	\$ 8,104,478	\$ -363,711	
Fort Madison					
Ft. Madison Institution	\$ 44,512,509	\$ 44,737,908	\$ 41,114,692	\$ -3,623,216	PG 3 LN 16
Anamosa					
Anamosa Institution	\$ 30,656,614	\$ 31,548,089	\$ 31,413,895	\$ -134,194	PG 3 LN 24
Oakdale					
Oakdale Institution	\$ 56,204,468	\$ 59,219,891	\$ 58,646,095	\$ -573,796	PG 4 LN 7
Newton					
Newton Institution	\$ 27,841,158	\$ 28,372,772	\$ 28,033,393	\$ -339,379	PG 4 LN 11
Mt Pleasant					
Mt. Pleasant Inst.	\$ 26,331,092	\$ 27,430,137	\$ 27,216,182	\$ -213,955	PG 4 LN 15
Rockwell City					
Rockwell City Institution	\$ 9,108,454	\$ 9,466,021	\$ 9,392,186	\$ -73,835	PG 4 LN 19
Clarinda					
Clarinda Institution	\$ 25,078,365	\$ 25,526,358	\$ 23,421,051	\$ -2,105,307	PG 4 LN 23
Mitchellville					
Mitchellville Institution	\$ 15,878,663	\$ 16,126,292	\$ 15,836,794	\$ -289,498	PG 4 LN 32
Fort Dodge					
Ft. Dodge Institution	\$ 29,773,151	\$ 30,313,681	\$ 29,999,036	\$ -314,645	PG 5 LN 1
Total Corrections, Dept. of	\$ 353,322,046	\$ 365,152,028	\$ 354,350,569	\$ -10,801,459	

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Inspections & Appeals, Dept. of</u>					
Public Defender					
Public Defender	\$ 21,749,296	\$ 21,914,112	\$ 21,743,182	\$ -170,930	PG 13 LN 13
Indigent Defense Appropriation	31,282,538	30,365,185	24,009,163	-6,356,022	PG 13 LN 18
Total Inspections & Appeals, Dept. of	\$ 53,031,834	\$ 52,279,297	\$ 45,752,345	\$ -6,526,952	
<u>Law Enforcement Academy</u>					
Law Enforcement Academy					
Law Enforcement Academy	\$ 1,289,562	\$ 1,275,199	\$ 1,166,033	\$ -109,166	PG 13 LN 22
Total Law Enforcement Academy	\$ 1,289,562	\$ 1,275,199	\$ 1,166,033	\$ -109,166	
<u>Parole, Board of</u>					
Parole Board					
Parole Board	\$ 1,256,273	\$ 1,251,903	\$ 1,161,399	\$ -90,504	PG 14 LN 21
Total Parole, Board of	\$ 1,256,273	\$ 1,251,903	\$ 1,161,399	\$ -90,504	
<u>Public Defense, Dept. of</u>					
Public Defense, Dept. of					
Public Defense, Department of	\$ 6,311,985	\$ 6,361,947	\$ 6,249,201	\$ -112,746	PG 15 LN 2
Emergency Management Division					
Homeland Security & Emer. Mgmt.	\$ 2,271,581	\$ 2,212,722	\$ 2,038,119	\$ -174,603	PG 15 LN 14
Total Public Defense, Dept. of	\$ 8,583,566	\$ 8,574,669	\$ 8,287,320	\$ -287,349	

Justice System

General Fund

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Public Safety, Department of</u>					
Public Safety, Dept. of					
Public Safety Administration	\$ 4,180,033	\$ 4,470,414	\$ 4,391,190	\$ -79,224	PG 16 LN 3
Public Safety DCI	21,729,482	21,506,406	21,125,270	-381,136	PG 16 LN 8
DCI - Crime Lab Equipment/Training	342,000	342,000	335,939	-6,061	PG 17 LN 13
Narcotics Enforcement	6,315,289	6,501,493	6,386,274	-115,219	PG 17 LN 16
Public Safety Undercover Funds	123,343	123,343	121,158	-2,185	PG 17 LN 26
DPS Fire Marshal	3,328,952	4,060,859	3,988,892	-71,967	PG 17 LN 29
Iowa State Patrol	50,210,762	50,971,409	50,068,094	-903,315	PG 18 LN 5
DPS/SPOC Sick Leave Payout	316,179	316,179	310,575	-5,604	PG 18 LN 20
Fire Fighter Training	699,587	692,697	680,421	-12,276	PG 18 LN 25
Total Public Safety, Department of	\$ 87,245,627	\$ 88,984,800	\$ 87,407,813	\$ -1,576,987	
Total Justice System	\$ 521,542,555	\$ 533,858,575	\$ 515,415,043	\$ -18,443,532	

Summary Data

FTE

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Justice System	1,814.79	1,900.08	1,910.95	10.87	
Grand Total	1,814.79	1,900.08	1,910.95	10.87	

NOTE: The FTE positions in the Estimated Net FY 2009 column reflect the authorized FTE positions in the final legislative action of the FY 2009 appropriations Act.

Justice System

FTE

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Justice, Department of</u>					
Justice, Dept. of					
General Office A.G.	203.79	226.50	232.50	6.00	PG 1 LN 7
Victim Compensation Fund	21.75	22.00	22.00	0.00	PG 1 LN 27
Total Justice, Dept. of	<u>225.53</u>	<u>248.50</u>	<u>254.50</u>	<u>6.00</u>	
Consumer Advocate					
Consumer Advocate	21.42	27.00	27.00	0.00	PG 2 LN 31
Total Justice, Department of	<u>246.95</u>	<u>275.50</u>	<u>281.50</u>	<u>6.00</u>	
<u>Civil Rights Commission</u>					
Civil Rights Commission					
Civil Rights Commission	29.29	29.00	29.50	0.50	PG 19 LN 10
Total Civil Rights Commission	<u>29.29</u>	<u>29.00</u>	<u>29.50</u>	<u>0.50</u>	
<u>Inspections & Appeals, Dept. of</u>					
Public Defender					
Public Defender	199.34	203.00	203.00	0.00	PG 13 LN 13
Total Inspections & Appeals, Dept. of	<u>199.34</u>	<u>203.00</u>	<u>203.00</u>	<u>0.00</u>	
<u>Law Enforcement Academy</u>					
Law Enforcement Academy					
Law Enforcement Academy	26.41	30.05	29.55	-0.50	PG 13 LN 22
Total Law Enforcement Academy	<u>26.41</u>	<u>30.05</u>	<u>29.55</u>	<u>-0.50</u>	
<u>Parole, Board of</u>					
Parole Board					
Parole Board	13.37	18.50	18.50	0.00	PG 14 LN 21
Total Parole, Board of	<u>13.37</u>	<u>18.50</u>	<u>18.50</u>	<u>0.00</u>	
<u>Public Defense, Dept. of</u>					
Public Defense, Dept. of					
Public Defense, Department of	291.98	306.43	313.30	6.87	PG 15 LN 2

Justice System

FTE

	Actual FY 2008	Estimated Net FY 2009	Senate Action FY 2010	Senate Action vs. Est Net 2009	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Emergency Management Division					
Homeland Security & Emer. Mgmt.	51.51	35.10	33.10	-2.00	PG 15 LN 14
Total Public Defense, Dept. of	<u>343.49</u>	<u>341.53</u>	<u>346.40</u>	<u>4.87</u>	
<u>Public Safety, Department of</u>					
Public Safety, Dept. of					
Public Safety Administration	37.74	39.00	39.00	0.00	PG 16 LN 3
Public Safety DCI	275.58	286.50	287.50	1.00	PG 16 LN 8
Narcotics Enforcement	74.30	82.00	81.00	-1.00	PG 17 LN 16
DPS Fire Marshal	40.60	59.00	59.00	0.00	PG 17 LN 29
Iowa State Patrol	527.71	536.00	536.00	0.00	PG 18 LN 5
Total Public Safety, Department of	<u>955.94</u>	<u>1,002.50</u>	<u>1,002.50</u>	<u>0.00</u>	
Total Justice System	<u>1,814.79</u>	<u>1,900.08</u>	<u>1,910.95</u>	<u>10.87</u>	